

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 10, 2003, and the references cited therewith.

Claims 1, 7, 27 and 31 have been amended; as a result, claims 1-9, 11-15, 26-28 and 30-35 are now pending in this application.

§103 Rejection of the Claims

The Seewi et al reference describes a dough that is made by heating a mixture of flour and fat. The present invention does not heat the flour or the fat or a mixture of flour and fat. As described in claim 31, the dough is prepared by separately preparing a wet blend and a dry blend and mixing the two blends. There are no steps of mixing fat and flour to form a mixture and heating the mixture. As acknowledged by the Examiner, the Seewi reference does not include placing dough in a substantially gas impermeable container; using inert gas containing less than 4% residual oxygen in the container and dough; encapsulating leavening agent; or adding to a container that includes a baking pan.

The LeFlecher et al. reference describes a batter and does not describe a dough. Furthermore, the LeFlecher reference does not describe a product having the ratio of sugar- to- flour that is claimed. The ratio is much higher. Where is the suggestion to combine a batter and a dough? Where is the suggestion to combine the references to obtain the present invention? LeFlecher relies upon a high sugar content to retard microbial growth. The Applicant respectfully requests the Examiner to identify the suggestion, within the references, that suggest combination. Even with a suggestion, however, the combination of the Seewi reference and LeFlecher reference does not describe the present invention because the combination describes heat treating a mixture of flour and fat. This heat treatment is not performed in the present invention.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612)-373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 22nd day of May, 2003

Ursula Weeks

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Name

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